

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ANTHONY CALIFORNIA, INC.,

Plaintiff,

vs.

JAMES MORAN, M&M SALES, INC.,
and DIRECT LIGHTING, L.L.C.,

Defendants.

8:17CV112

**PROGRESSION ORDER
(AMENDED)**

The parties' Second Joint Motion to Modify Progression Order (Filing No. 62) is granted.

Accordingly,

IT IS ORDERED that the progression order is amended as follows:

- 1) The jury trial of this case is set to commence before John M. Gerrard, Chief United States District Judge, in Courtroom 1, United States Courthouse, Lincoln, Nebraska, a 9:00 a.m. on **June 1, 2020**, or as soon thereafter as the case may be called, for a duration of seven (7) trial days. This case is subject to the prior trial of criminal cases and other civil cases that may be scheduled for trial before this one. Jury selection will be held at the commencement of trial.
- 2) The Pretrial Conference is scheduled to be held before the undersigned magistrate judge on **May 19, 2020** at **10:00 a.m.**, and will be conducted by internet/telephonic conferencing. Counsel shall use the conferencing instructions assigned to this case to participate in the conference. The parties' proposed Pretrial Conference Order and Exhibit List(s) must be emailed to zwart@ned.uscourts.gov, in Word format, by 5:00 p.m. on May 15, 2020.
- 3) A telephonic conference to discuss the status of case progression and the parties' interest in settlement will be held with the undersigned magistrate judge on **January 14, 2020** at **10:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the

conference.

4) The deadline for completing written discovery under Rules 33, 34, and 36 of the Federal Rules of Civil Procedure is August 2, 2019. Motions to compel discovery under Rules 33, 34, and 36 must be filed by August 16, 2019

Note: A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.

5) The deadlines for complete expert disclosures for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

| | |
|-------------------------|---------------------|
| For the plaintiff(s): | September 27, 2019. |
| For the defendant(s): | November 1, 2019. |
| Plaintiff(s)' rebuttal: | November 22, 2019 |

6) The deposition deadline for fact witnesses is September 27, 2019.

7) Depositions of experts shall occur between November 25, 2019 and January 3, 2020.

8) The deadline for filing motions to dismiss and motions for summary judgment is February 14, 2020.

9) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is January 31, 2020.

10) Motions in limine shall be filed seven days before the pretrial conference. It is not the normal practice to hold hearings on motions in limine or to rule on them prior to the first day of trial. Counsel should plan accordingly.

11) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.

12) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge, including all requests for changes of trial dates. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 21st day of May, 2019.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge